



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

June 24, 2016

Kim Kratz
NMFS Oregon-Washington Coast Office
1201 NE Lloyd Blvd, Suite 1100
Portland OR 97232

Sent via email only

Paul Henson, State Supervisor
US Fish and Wildlife Service
Oregon Fish and Wildlife Office
2600 SE 98th Avenue, Suite 100
Portland, OR 97266

Subject: Endangered Species Act (ESA) Programmatic Biological Assessment for the Site-Wide Remedial Action at the Portland Harbor Superfund Site, Portland, Oregon

Dear Mr. Kratz and Mr. Henson:

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq. (CERCLA or Superfund), the U.S. Environmental Protection Agency (EPA) has developed a Proposed Plan for remediation of contaminated sediments, surface water, and river banks, at the Portland Harbor Superfund Site (Site). The Proposed Plan is a prospective agency action under the Endangered Species Act (ESA).

EPA has prepared the enclosed Programmatic Biological Assessment (BA) for this project, which we previously shared with Genevieve Angle, NMFS, and Jeremy Buck and Chris Allen, USFWS. This Programmatic BA was developed using the best scientific and commercial data available and has benefited from years of coordination with the services. A public comment period on the Proposed Plan began on June 9, 2016 and will end on September 6, 2016. After we receive and consider public comment, EPA will document its final cleanup plan for Portland Harbor in a Record of Decision. These can be accessed here:
<https://yosemite.epa.gov/r10/cleanup.nsf/sites/ptldharbor>

The Programmatic BA concludes that our action “may affect and is “likely to adversely affect” the following ESA-listed species that reside in the Willamette River: Upper Willamette River (UWR) spring-run Chinook salmon (*Oncorhynchus tshawytscha*), Lower Columbia River (LCR) Chinook salmon, LCR steelhead (*O. mykiss*), UWR steelhead, and LCR coho salmon (*O. kisutch*). In addition, our action “may affect” but is “not likely to adversely affect” the following ESA-listed species that reside in the Columbia River: Upper Columbia River (UCR) spring-run Chinook salmon, Snake River spring/summer-run Chinook salmon, Snake River fall-run Chinook salmon, Columbia River chum salmon (*O. keta*), Snake River Basin sockeye salmon (*O. nerka*), UCR steelhead, Middle Columbia River steelhead, Snake River Basin steelhead,

eulachon (*Thaelichthys pacificus*), green sturgeon (*Acipenser medirostris*), and Southern resident killer whale (*Orcinus orca*) residing in the Pacific Ocean.

This Programmatic BA further concludes that our action “may effect” but is “not likely to adversely affect” bull trout (*Salvelinus confluentus*).

The BA also concludes that based on the proposed mitigation measures and best management practices, the action is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

For your information, EPA identified the Magnuson-Stevens Fishery Conservation and Management Act as an applicable requirement for the action at the Site. EPA determined that this action “may adversely affect” Pacific Coast Salmon Essential Fish Habitat.

Consistent with CERCLA, its regulations, and guidance, we seek to initiate consultation with NMFS and USFWS on this project. It is very important that we receive any significant comments your agencies may have regarding the Proposed Plan and BA prior to the close of business on September 6, 2016 to assure we can consider such comments in making our final decision.

As you know, EPA has previously coordinated with your agencies on this project, and if we can provide any additional information please contact me at 206-553-1220 or via email at Sheldrake.sean@epa.gov or if your staff or legal counsel wish to discuss this matter, please let us know and we will be happy to arrange a call or meeting.

Sincerely,



Sean Sheldrake, RPM

Enclosure

Cc:

Genevieve Angle, NOAA

Chris Allen, USFW

Jeremy Buck, USFW

via email only